

**Exhibit A**

**Administrative Record**

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April 9, 2007

Planning Commission  
City of San Leandro  
835 East 14<sup>th</sup> Street  
San Leandro, CA 94577

Subject: **Faith Fellowship Application for Assembly Overlay Rezoning  
14600 Catalina Street**

Honoerable Chair Perras and Members of the Commission,

In March 2006 the Faith Fellowship congregation entered into a purchase agreement to buy a 3.56 acre property at 14600 Catalina Street. The purchase agreement allowed many months for due diligence and processing any necessary City permits.

The site and building at 14600 Catalina Street is ideal for the proposed church use: The 3.56 acre parcel has a 46,080 sq. ft. building and 188 parking spaces, with excellent access to major arterials in every direction. (Site plan, Attachment 1) Faith Fellowship, with a congregation of over 1000 souls, has outgrown its current location in a residential neighborhood. Peak parking on Sunday mornings overflows for blocks around, to the detriment of their residential neighbors.

Church elders immediately met with the City Manager and Planning Director to ask direction on how to proceed. The City officials told the Church that the industrial districts did not allow churches. Several similar assembly uses are permitted by conditional use permit in industrial districts such as commercial recreation and entertainment. Following direction from City staff, Faith Fellowship applied way last May 18 for rezoning to the IL (Industrial Limited) district so a conditional use permit could be processed to approve the proposed Church use.

City staff realized that limiting churches to residential zones had the effect of prohibiting large congregations like Faith Fellowship from locating in San Leandro, in violation of good planning practice and Federal law. The City then began an 11 month process to create an assembly overlay (AO) district. The AO District has now been adopted, but does not include the applicant's property. While the City process dragged on, after 9 months in contract, Faith Fellowship was forced to close escrow on 14600 Catalina Drive in January 2007.

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## **Staff Report**

The Planning Staff report raises several potential problems to which there are good answers:

**1. Arterial access:** The building is located on Farallon Avenue. Farallon Avenue is a major street with extra width, including a middle turn lane. All of the City General Plan maps, and Mapquest, show Farallon Avenue with double width as if it is an arterial street. Farallon Avenue connects to all major arterials in the area (Doolittle, Wicks, Merced, Manor, Lewelling, Marina, and so on. Those arterials have ready connection points to I-880 and I-238. The site could not have better access. (Attachment 2, Map of Street System)

**2. Potential conflict with hazardous materials uses:** Paul Gantt, President of Safety Compliance Management, Inc., and a former Fire Chief, will be at the Planning Commission public hearing to testify to the compatibility of church uses with light industrial uses. (Attachment 3, Mr. Gantt's education and background) Hazardous materials are systematically regulated under the building code and numerous other statutes, with the most hazardous materials subject to second and third levels of containment. The building code put the onus on the user of hazardous materials to provide a system that effectively prohibits migration of hazardous materials off that particular property. There are virtually no locations other than residential neighborhoods that are not within 500 feet of businesses that have Hazardous Materials Business Plans.

Virtually all cities in the Bay Area allow churches in light industrial zones, so there is plenty of experience with this issue. In fact, Mr. Gantt is a member of Crosswinds Church, a 3000 member congregation located in an industrial zone in Dublin.

Moreover, if church uses are incompatible with light industrial uses, why did the City just rezone 196 properties, mostly in industrial locations, to the AO District? If proximity to industrial uses is fatal to proposed assembly uses, then the AO district only pretends to allow churches in San Leandro.

**3. Loss of Industrial Base:** The General Plan does express concern about encroachment of incompatible residential and retail uses into industrial areas. But a church use does not displace industrial uses the way residential and retail uses do. The church use fits within an existing industrial building, with primarily tenant improvements on the inside. The building is amenable to return to industrial use when the church use moves on, which frequently happens.

The Somar Area, like much of San Leandro, is designated for future study. But, "future study" should not be used by the City to create a de facto moratorium on uses which are compatible with light industrial uses. The issue is compatibility of this use at this location, and that is what the conditional use permit processes are for.

## **4. Other Compatibility Issues.**



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- **Traffic and parking:** Church peak uses are on Sunday mornings, and evening prayer meetings. These are the times when industrial uses are at their low ebb.
- **Informal policing.** Having alert citizens coming on weekends and evenings will provide eyes on the street and enhance the security of the industrial area, which is typically abandoned and subject to vandalism at night and on weekends.
- **Amenity.** The mixed use may provide service to nearby industrial employees, as a haven, potential human services like baby sitting, and overflow parking on weekdays.
- **Neighbor support.** The actual neighboring businesses of the proposed Faith Fellowship have almost all made friends and signed letters of support.

### **Churches Are a Community Amenity**

In proposed Finding No. VII, that "Denial . . . does not place a substantial burden on the religious exercise of the applicant" conveys the attitude that church uses are to be prevented, and allowed only to the constitutional minimum, like adult entertainment uses. In fact, churches should be encouraged and accommodated in the places where they can co-exist compatibly with there neighbors. Churches are caring communities that provide many members of the community with tremendous support, guidance, services, and connectedness that government and the private sector simply do not provide.

14600 Catalina Street is one of the few locations in San Leandro where a large congregation can be readily accommodated. We ask respectfully that the Planning Commission recommend approval of the proposed rezone of 14600 Catalina Drive to the AO Assembly Overlay District.

Sincerely,

Peter MacDonald

### **Attachments:**

1. Site plan for Faith Fellowship church
2. Street map showing arterial access
3. Paul Gantt experience and education